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First named inventor: Hanks
Serial no. 10/652,004
Filed 8/29/2003
Attorney docket no. 200209012-1

REMARKS

Claims 1-29 have been restricted as follows: Invention I, directed to claims 1-23; Invention II, directed to claim 24; and, Invention III, directed to claims 25-29. Applicant partially traverses the restriction requirement as follows. In particular, although claim 24 is drawn to a separate subcombination than claims 1-23 are, Applicant submits that they overlap in scope and are obvious variants, such that claim 24 can be examined at the same time as claims 1-23.

Specifically, the method of claim 24 has three steps or acts, two of which relate to focusing, and only one (the last) of which relates to labeling. Furthermore, the labeling step or act of claim 24 is so generic that claim 24 as a whole represents an obvious variant of independent claim 23 and/or independent claim 1, for instance. (This labeling step or act of claim 24 reads "selectively turning a light source on over areas of the label layer which are sensitive to the light source to produce a visible image on the label layer.") Clearly, the patentable aspects of this claim are found in the first two steps or acts, which have wholly to do with focusing, as in independent claims 1 and 23. As such, the same field of search would be used for all of independent claims 1, 23, and 24.

In this respect, claim 24 is properly examined at the same time that independent claims 1 and/or 23 are. Stated another way, the patentability of claim 24 rises and falls with the patentability of claim 1 and/or claim 23. If claim 1 and/or claim 23 are not patentable, the additional labeling step or act of claim 24 would not otherwise render claim 24 patentable. In other words, claim 24 is an obvious variant of claim 1 and/or claim 23.

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Therefore, Applicant submits that claims 1-29 should be properly restricted as follows: Invention I/II, directed to claims 1-24; and, Invention III, directed to claims 25-29. To this extent, Applicant has withdrawn claims 25-29. Should the Examiner disagree with Applicant, then as a fallback position Applicant would elect just Invention I.

Respectfully Submitted,



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Date

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